
OLR Bill Analysis

SB 1114

AN ACT REVISING THE DEFINITION OF TIDAL WETLANDS AND THE HIGH TIDE LINE.

SUMMARY:

This bill changes the definitions of tidal wetland and high tide line.

In the definition of a tidal wetland it removes the requirement that such wetland's surface be at or below one foot above local extreme high water. It also deletes the requirement that tidal wetland inventory boundary lines shown on reproductions or aerial photographs generally define areas that are at or below an elevation of one foot above extreme high water.

Under the bill, the "high tide line" is based upon the Mean Higher High Water elevation from the National Oceanic and Atmospheric Administration's (NOAA) 2001 tidal epoch. By law, this term is used to define areas subject to the Department of Environmental Protection's (DEP) jurisdiction regarding activities such as dredging, structure erection, and fill placement. The bill broadens the statutory sections to which this definition applies by including sections addressing certain coastal maintenance activities. The DEP commissioner is generally responsible for protecting and managing tidal wetlands and coastal water resources.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2011

TIDAL WETLAND

The bill redefines a tidal "wetland" as an area that borders on or lies beneath tidal waters, including areas now or formerly connected to tidal waters, and is capable of growing some of many statutorily listed plant species which include, among others, cattails, skunk cabbage,

and loosestrife. Under existing law, these areas' surfaces must also be at or below an elevation of one foot above local extreme high water. The bill removes this elevation requirement.

By law, the DEP commissioner can enter such lands, whether public or private, for purposes such as tidal wetland inventory and inspection.

HIGH TIDE LINE

The bill redefines "high tide line" as the Mean Higher High Water elevation between 1983 and 2001, from NOAA's 2001 tidal epoch.

Under existing law, the high tide line is a line or mark left on tidal flats, beaches, or shore objects indicating the intersection of land with the water's surface at a rising tide's maximum height. It may be determined by (1) an oil or scum line along shore objects; (2) a relatively continuous deposit of fine shell or debris on the foreshore or berm; or (3) physical markings or characteristics, vegetation lines, or tidal gauge. The term includes spring or other periodic high tides but does not include storm surges.

BACKGROUND

Mean Higher High Water and Tidal Epoch

Higher high water means the higher of the two high waters of any tidal day. The Mean Higher High Water elevation is the average of the higher high water heights of each tidal day observed over the National Tidal Datum Epoch (NTDE). An epoch is a 19-year cycle used to calculate datums. The present NTDE is 1983 through 2001.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 21 Nay 6 (03/18/2011)